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7   **UNITED STATES DISTRICT COURT**

8   **NORTHERN DISTRICT OF CALIFORNIA**

9

10 | MARIA HERNANDEZ, Plaintiff on behalf of herself and all others similarly situated, | Case No. CV 13-02246 LHK |
   |---|---|

11 | | **JOINT CASE MANAGEMENT STATEMENT AND REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE** |

12   Plaintiff,

13   v.

   Date of CMC: November 27, 2013
14 CHILDREN'S CREATIVE LEARNING   Time: 2:00 p.m.
   CENTERS; KNOWLEDGE LEARNING   Courtroom: 8
15 CORPORATION; and DOES 1 through 100, Judge: Hon. Lucy H. Koh
   inclusive,
16   Defendants.

17

18   Plaintiff Maria Hernandez, on behalf of herself and all others similarly situated, and

19 Defendants Children's Creative Learning Center, Inc., and Knowledge Universe Education LLC

20 (formerly known as Knowledge Learning Corporation) (collectively, "the parties"), hereby jointly

21 submit this Case Management Statement in advance of the Case Management Conference

22 currently scheduled for November 27, 2013.

23   **DESCRIPTION OF THE CASE**

24   In this proposed class action, Plaintiff contends that Defendants failed to pay overtime pay

25 for hours worked both on and off the clock, failed to provide uninterrupted meal periods, and

26 failed to provide proper itemized wage statements. Defendants contend that they have, at all

27 times relevant to the case, complied with California wage and hour laws.

28

   JOINT CASE MANAGEMENT STATEMENT AND REQUEST FOR CONTINUANCE

1   Defendants provide employer-sponsored early childhood education at or near its clients'

2   places of business, including its Mountain View and San Jose locations. Plaintiff and the

3   proposed class members are current and former teachers who worked for Defendant Children's

4   Creative Learning Center at two locations in California (San Jose and Mountain View).

5   **PROCEDURAL HISTORY**

6   Plaintiff filed an individual complaint in the Santa Clara County Superior Court and

7   amended it on August 13, 2012 to assert claims on behalf of the proposed Class Members. After

8   a case management conference with Hon. Peter Kirwan of the Santa Clara County Superior

9   Court, the Plaintiff requested and received documents from Defendants regarding her claims. The

10 parties also held a mediation session with experienced class action mediator Steven Pearl of ADR

11 Services. Although the parties made some progress toward resolution, they were unable to

12 resolve the matter. On or about May 20, 2013 (after the first day of mediation), Defendants

13 removed the case to the Northern District of California, where it is now pending.

14 After additional documents were exchanged, on July 26, 2013, the parties engaged in a

15 second day of mediation with Mr. Pearl. At the close of the mediation, the parties signed a

16 Memorandum of Understanding regarding a tentative class action settlement. On August 13,

17 2013, the parties submitted a joint stipulation and proposed order to stay Court deadlines so that

18 they may complete their settlement negotiations.

19 By Order of September 9, 2013, this Court ordered all deadlines to be stayed for 90 days

20 (or until December 9, 2013) and ordered the parties to provide the Court with an update of their

21 status by September 27, 2013 (which on September 19, 2013 and October 3, 2013 was amended)

22 (Elec. Doc. ## 16, 17, 19).

23 **STATUS OF SETTLEMENT**

24 As indicated in the parties previous Case Management Statement (Elec. Doc. # 18),

25 Plaintiff requested from Defendants specific confirmatory discovery regarding one term of the

26 proposed class action settlement, which Plaintiff has since received and reviewed. The parties

27 have now drafted a detailed settlement agreement and have exchanged proposed revisions to it.

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- 2 -

1   The parties believe that they will be able to finalize the settlement agreement and supporting

2   documents within the next 21 days, at which time the parties intend to submit the settlement to

3   the Court for preliminary settlement approval.

4   **PROPOSED SCHEDULE**

5   The parties are confident that they will be able to finalize the settlement agreement and

6   submit it to the Court for preliminary approval by December 11, 2013. The parties are more than

7   willing to appear at the Case Management Conference on November, 27, 2013 to address any

8   questions the Court may have. In the interests of judicial efficiency, however, the parties

9   respectfully request that the Case Management Conference be continued for twenty-one days

10   (until December 18, 2013) so that they may have an opportunity to finalize the settlement

11   agreement and submit a motion for preliminary approval.

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     Dated: November 21, 2013   Respectfully submitted,

14
                                            RUKIN HYLAND DORIA & TINDALL LLP
15

16   By: */s/ Steven M. Tindall*_____
                                                    Steven M. Tindall
17
                                            Steven M. Tindall (State Bar No. 187862)
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21

22
     Dated: November 21, 2013   SEYFARTH SHAW, LLP
23
                                            By: _*/s/ Jon D. Meer*_____ _____
24
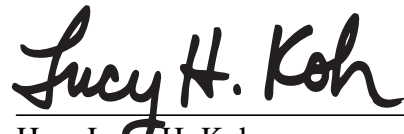   Jon D. Meer, State Bar No. 144389
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27   Facsimile: (310) 201-5219
                                            Attorneys for Defendants Children's Creative Learning
28   *Center, Inc. and Knowledge Universe Education LLC*

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     JOINT CASE MANAGEMENT STATEMENT AND REQUEST FOR CONTINUANCE

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~~PROPOSED~~ ORDER

3   In light of the parties' ongoing attempts to resolve this matter through settlement, the

4   Court concludes that, in the interests of judicial efficiency, the Case Management Conference

5   currently scheduled for November 27, 2013 shall be CONTINUED to December 18, 2013. The

6   Court ORDERS the Parties to file a Joint Case Management Statement by December 11, 2013 to

7   apprise the Court of the status of the Settlement.

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9   **IT IS SO ORDERED.**

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11 Dated: November 22, 2013

Lucy H. Koh

_____

Hon. Lucy H. Koh
United States District Court Judge

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